

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

LIVONIA PUBLIC SCHOOL DISTRICT,

Plaintiff,

v.

Case No. 05-CV-72560-DT

UNITED STATES OF AMERICA,

Defendant.

---

**ORDER STAYING CASE**

On September 16, 2005, the parties in the above-captioned matter submitted a Joint Status Report pursuant to Federal Rule of Civil Procedure 26(f). In their report, the parties request that the court issue an order staying the proceedings in this case pending a resolution of two cases which are currently on appeal before the United States Court of Appeals for the Sixth Circuit, *Phyllis F. Klender v. United States of America*, 328 F. Supp. 2d 754 (E.D. Mich. 2004) and *Appoloni v. United States of America*, 333 F. Supp. 2d 624 (W.D. Mich. 2004). The parties submit that the “decisions issued by the Court of Appeals in these cases will almost certainly control, or at the very least significantly affect, the outcome of our case.” (9/16/05 Joint Report at ¶ 12.) The court is persuaded that, in the interests of judicial economy, a stay is warranted. Accordingly,

IT IS ORDERED that this case is STAYED pending a resolution of the appeal of either *Phyllis F. Klender v. United States of America*, 328 F. Supp. 2d 754 (E.D. Mich. 2004) or *Appoloni v. United States of America*, 333 F. Supp. 2d 624 (W.D. Mich. 2004).

The parties are DIRECTED to immediately inform the court when the Sixth Circuit issues an opinion resolving either of the two cases, at which point the stay in this case will be lifted and the court will set a status conference.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 17, 2005, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522